

CITY OF MUSKEGON  
MUSKEGON HOUSING BOARD OF APPEALS  
MEETING MINUTES  
10/05/06  
5:30PM

ATTENDANCE: Randy Mackie, Jon Rolewicz, Greg Borgman, Chris Carter, Kirk Kolberg(late), Nick Kroes, Ed Simmons

ABSENT:

EXCUSED:

STAFF: Mark Kincaid, Henry Faltinowski, Ken Murar, Jim Hoppus, Don LaBrenz

GUESTS: R. Elaine Vanderwall (1145 Aurora), Pat Ingot (1226 Pine), Randy Disselkoen, Roger Nielsen, Ciggzree Morris, Spencer Norman (790 Terrace), Lola Beasley (488 Southern), Students from Muskegon High School

Meeting minutes: A motion was made by Jon Rolewicz and seconded by Randy Mackie to approve the September 2006 minutes.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
				Greg Borgman

Randy Mackie  
Jon Rolewicz  
Nick Kroes  
Chris Carter  
Ed Simmons

Kirk Kolberg(late)

Motion carried.

**DANGEREROUS BUILDING NEW CASES:**

**EN-060322 – 1145 Aurora (Garage) – Elaine Vanderwall, Muskegon, MI 49442**

R. Elaine Vanderwall was present to represent case.

Ms. Vanderwall stated she is in the process of suing the insurance company. A tree fell on the property and there was some question about coverage. Mark Kincaid showed pictures of garage to board stating it was a serious dangerous building. Ms Vanderwall's attorney was present and said the insurance company claims a 10-day notice of cancellation was sent which homeowner says she never got it. Mark Kincaid said the garage has serious structural damage and fears the structure may collapse. Chris Carter asked if there was a timeline for resolution with insurance company. The attorney said it may take up to 45 days or if it goes to court it may take longer. Greg Borgman explained condemnation process and timeline when case would go to Commission. Ms Vanderwall's attorney asked if it was felt that the garage was structurally unsound. Mark Kincaid stated it's the whole back wall and it's been exposed to weather over a year and thus suspect that it may not stand much longer.

Staff Recommendation: Declare the building substandard, a public nuisance, and dangerous building.

Motion made by Nick Kroes and seconded by Jon Rolewicz to accept staff recommendation.

A roll call vote was taken:

**AYES:**

Greg Borgman  
Randy Mackie  
Jon Rolewicz  
Nick Kroes  
Chris Carter  
Ed Simmons  
Kirk Kolberg

**NAYES:**

**EXCUSED:**

**ABSENT:**

Motion carried.

**EN-060041 – 1226 Pine St., -Pat Ingot, 599 Grand Woods Ct NE, Grand Rapids, M 49525**

Patrick Inglot was present to represent this case.

Mark Kincaid showed pictures of property to the board stating the home looked much better as pictures don't show the progress that's been made. Mr. Inglot stated he painted the house and has put in \$18,000 in repairs and is about a week away from completion and he admitted to letting permits expire but lawn been kept cut, electrical service replaced, all new floor covering, plumbing rough approved and plans to finish in a week to 10 days. Mr. Inglot said the reason for the delay was finances. Greg Borgman asked if property would be a rental and Mr. Inglot said he plans to sell. Mark Kincaid stated the reason it came before board because we had lost contact with Mr. Inglot.

Staff Recommendation: Table case until the November 2006 meeting unless mechanical & electrical permits are issued and final inspections scheduled.

Motion made by Jon Rolewicz and seconded by Chris Carter to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			
Randy Mackie			
Jon Rolewicz			
Nick Kroes			
Chris Carter			
Ed Simmons			
Kirk Kolberg			

Motion carried.

#### **PROPERTY MAINTENANCE CODE APPEAL CASE:**

##### **488 W.Southern Ave. – Lola Beasley, 428 Catawba, Muskegon, MI 49442**

Mrs. Beasley stated her mother (homeowner) died and she has continued paying taxes on house. Mrs. Beasley said her daughter had been living in the house but has put home in bad condition. Mrs. Beasley stated she's now trying to get the house in her name so she can get financing to fix the house. Ed Simmons asked how long Mrs. Beasley had been paying taxes on property and Mrs. Beasley responded her mother died in 1997 and has been keeping up the taxes since then. Chris Carter asked when daughter moved. Mrs. Beasley said daughter moved in with her mother in 1992 to help with healthcare and just moved out two months ago. Chris Carter asked when did the house start to deteriorate. Mrs. Beasley said in 2000 she noticed house in disrepair. Chris Carter asked what were the plans for the home. Mrs.

Beasley said after bringing house to code her plans are to rent it out. Mark Kincaid said the owner of record has been deceased for about nine years and house has never been probated and the property was inspected in June and was evacuated and no repairs have been made since that date. Chris Carter asked how entry was gained. Mark Kincaid said a letter was sent saying home was non-owner occupied building and not registered as rental. Jon Rolewicz asked why this case was a property maintenance case instead of a dangerous building. Don LaBrenz said it started as a non owner occupied dwelling but could very easily fall into dangerous building category but he wanted to allow owner time to do something but no corrective action has been taken and could come back as a dangerous building. Greg Borgman suggested that Mrs. Beasley get in touch with Inspections to determine cost of project.

Staff Recommendation: Deny property maintenance appeal.

Motion made by Nick Kroes and seconded by Randy Mackie to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			
Randy Mackie			
Jon Rolewicz			
Nick Kroes			
Chris Carter			
Ed Simmons			
Kirk Kolberg			

Motion carried.

### **DANGEROUS BUILDING REVIEW CASE:**

#### **EN-040065 – 790 Terrace –Promised Land Assoc., 3315 Real Street, Houston, TX 77087**

Ciggzree Morris, Spencer Norman, Roger Nielsen, and Randy Disselkoen were present to represent this case.

Mrs. Morris passed out a work schedule to board. Mrs. Morris expressed appreciation to the Inspectors for the walkthrough inspection conducted. Roger Nielson showed drawing of building concept. Mrs. Morris said board should have received a letter from

architect and stated their main goal is to get the building off the dangerous building list to attract investors. They would like to do the exterior first and then concentrate on main floor. Nick Kroes asked how long it would take to achieve exterior repairs. Mrs. Morris said she didn't put that on the schedule because she was told to focus on inside first. Kirk Kolberg asked about timetable to complete project by June 2007. Mrs. Morris stated plan is to seal off upper floor and basement and just opening main floor. Mark Kincaid said the whole building has to meet code. Ken Murar stated there would be a minimum code required for areas unused such as if the basement is used just for storage it would have to meet a minimum code for that. Chris Carter asked about list of 26 items does it include exterior and interior. Don LaBrenz stated the 26-item list just included the interior of building. Chris Carter asked if timeline included interior and exterior and asked staff if both had to be completed in order to be removed from dangerous building list. Don LaBrenz stated there are some interior structural issues that have to be addressed paramount to anything else because part of the building has to be stabilized first and then the exterior can be completed. Don LaBrenz stated they don't have to have a certificate of occupancy to get off the dangerous building list.

Chris Carter asked if they correct the things to get them off dangerous building list, does that throw them under the property maintenance. Don LaBrenz said it would put them under the Michigan construction code and clarified that property maintenance is for certificate of compliance, rental property. Mark Kincaid said they will have to get a engineering study done on how to repair the support beams inside, then exterior fixed and once that's done then there won't any issues as far as dangerous building goes but there still will be code issues that have to be addressed for them to open as a restaurant, but would it be off the dangerous building list. Randy Disselkoen stated his brother is part owner and is excited about investment but the problem for investors considering the economy, don't want to take a lot of risk and it's a hard sell with the stigma of dangerous building attached to building. Chris Carter explained board's main concern is safety and the items in question can be taken care in winter months but was concerned about the obsolete application status. Mark Kincaid said obsolete application is a zoning issue. Chris Carter suggested Mrs. Morris clarify status with Planning Department. Mark Kincaid stated staff took to heart what was recommended at last month's meeting was not to wait to the last minute and the letter from the architect was not received until 10/04/06. He said he understands the dilemma that they need it off the dangerous building list to get investors and yet they need investors to do the work to get it off the dangerous building list. He said case was suppose to come before board in 2004 and owners said they had plans so it was taken off agenda and staff didn't hear anymore from owners until we put it back on the agenda and that makes us nervous. The recommendation to declare would keep pressure on but he understands their investor worries, but the big items that need to be done is to get the building structurally sound on inside and get mansard roof, stucco done on the outside that will get it off the dangerous building list which can be accomplished before March of 2007, so staff recommends tabling for a shorter time period.

**Staff Recommendation:** Table case until March 2007 provided monthly progress inspections are conducted.

Motion made by Nick Kroes and seconded by Chris Carter to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			
Randy Mackie			
Jon Rolewicz			
Nick Kroes			
Chris Carter			
Ed Simmons			
Kirk Kolberg			

Motion carried.

**PROPERTY MAINTENANCE APPEAL CASES:**

**30 W. Larch – Jill Greeno, 30 W. Larch, Muskegon, MI 49442**

No one present to represent property.

**246 Washington – Pamela J. Byron, 246 Washington, Muskegon, MI 49441**

No one present to represent property

Chris Carter asked if Community Neighborhood Services had received paperwork. Mark Kincaid said they had, but CNS won't know until the first of the year whether they will have the funds to award them. Ed Simmons asked what would happen if not awarded. Mark Kincaid stated they still have the opportunity to paint if not awarded the vinyl siding.

Staff Recommendation: Grant extension to both properties until June 2007 to complete repairs.

Motion made by Randy Mackie and seconded by Jon Rolewicz to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			

Randy Mackie  
Jon Rolewicz  
Nick Kroes  
Chris Carter  
Ed Simmons  
Kirk Kolberg

Motion carried.

OLD BUSINESS:

Greg Borgman asked about status of property at 1121 Third which Henry Faltinowski said nothing has been done.

NEW BUSINESS:

**ADJOURNMENT: 6:45 PM**

CITY OF MUSKEGON

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF  
THE CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES.

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, upon twenty-four hours notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following.

Linda Potter, City Clerk  
933 Terrace Street  
Muskegon, MI 49443  
(231) 724-6705 or TDD (231) 724-6773